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TAGS: AORC MNUC PREL SENV IAEA XF IS

SUBJECT: IAEA/GAZA/DEPLETED URANIUM: ISRAEL RESPONDS  
NEGATIVELY TO IAEA LETTER, IAEA PLEDGES TO STAY WITHIN ITS  
MANDATE

REF: UNVIE 25

Classified By: CDA Geoffrey R Pyatt for reasons 1.4(c) and (e)

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Summary:  
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¶11. (C) Following the IAEA's receipt of letters from the Arab group and from the Palestinians calling for IAEA assistance in the wake of alleged Israeli use of depleted uranium munitions (DU) in Gaza (see reftel), the IAEA Secretariat sent Israel a letter "inviting" Israel to submit "any comments and/or information it may wish to share." Israel responded negatively, charging that the Palestinian request of the Agency "is not in line" with the IAEA's mandate regarding DU-related activities. The Secretariat has assured Israel's Ambassador that the IAEA will stay within its mandate, and in any case will not consider undertaking any activities in Gaza until there is a "real" ceasefire holding. (Comment: We have heard nothing more of any possible effort to link the Gaza issue with Syria's claim that uranium found at the Al-Kibar reactor site in Syria originated from Israeli munitions. Arab states, however, will probably still try to infer a linkage during statements at the March 2 IAEA Board of Governors meeting. The Secretariat appears to recognize the political landmines. While their strategy may be to provide an opportunity for the Arabs to vent on Gaza, such an opportunity risks setting in motion a political escalation that could further complicate our efforts in the coming months in the Board, as well as perhaps in the September General Conference.) End Summary and Comment.

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Israel Responds to IAEA Letter  
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¶12. (C) Further to reftel issue of an Arab/Palestinian request for the IAEA to investigate the health/radiation effects of the alleged Israeli use of DU munitions in Gaza, the IAEA Secretariat sent Israel a letter dated January 23, 2009. The letter from IAEA Office of External Relations and Policy Coordination (EXPO) Director Vilmos Csorveny noted receipt of reftel letters from Arab ambassadors in Vienna and the Palestinian Observer at the IAEA, and "invited" Israel to "submit any comments and/or information it may wish to share in relation to the alleged use of depleted uranium." (Full text of IAEA letter at para. 6)

¶13. (C) On February 3, Israeli Ambassador Michaeli met with Csorveny to deliver orally the Israeli response. (Full text

of the Note Verbale from which Michaeli spoke, but that he did not pass to Cserveny, is at para 7. Please protect.) The Israeli response stated that Israel has operated within the realm of international law and that the Palestinian request of the Agency "is not in line with" the Agency's mandate. It also notes IAEA findings elsewhere that "practically negate" a link between DU and "significant health or environmental impacts." The Israelis also charged that the Arab/Palestinian request was undermining the professionalism of the Agency and was done for purposes of providing a nuclear fig leaf under which the Arabs could make political statements at the IAEA on the general issue of Gaza.

¶4. (C) Michaeli told MsnOff that Cserveny listened attentively to the Israeli response and responded with a "loud and clear" promise that the IAEA would not go beyond any legitimate mandate for the kind of health physics-related survey the IAEA has supported in other locales. Cserveny also said that the IAEA would not in any case send any team to Gaza until a "real" ceasefire is in place. Should the IAEA undertake any survey in Gaza, it would seek to do so in partnership with either the World Health Organization (WHO) or the United Nations Environment Program (UNEP). Michaeli noted to MsnOff that, should any survey/visit take place, Israel would prefer UNEP without the IAEA or WHO. Israel's rationale was that UNEP alone made a similar inquiry in Lebanon and Israel believes acted professionally in that instance. Michaeli suspects the Arabs approached the IAEA because they feel the DG may be more "compliant" than UNEP or WHO.

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Comment  
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¶5. (S) While the Secretariat's strategy may be to provide an opportunity for the Arabs to vent on Gaza, such an opportunity risks setting in motion a political escalation that could further complicate our efforts in the coming months in the Board, as well as perhaps in the September General Conference. Mission has heard no further indication of any effort to link investigation of alleged Israeli-origin DU in Gaza with Syrian allegations of Israeli-origin uranium at Al-Kibar. However, we strongly expect one or more Arab states will at least imply a linkage in statements at the March 2-5 IAEA Board of Governors meeting either under an existing agenda item on the annual Safety Review or under AOB . To counter such rhetoric, Ambassador Schulte used a February 4 meeting of Vienna "like-minded" Ambassadors (EU3, Canada, Australia, Japan, New Zealand) hosted by Australia on February 5 to alert counterparts to the likely Arab focus on the Gaza/DU issue and encourage a unified effort as necessary to prevent the success of any attempts to divert the Board meeting into such highly politicized terrain. Ambassador Schulte counseled against elevating any DU debate in the Board, but noted that an IAEA Legal opinion may be needed if the Arab Group steers the discussion in areas outside the Agency's mandate. French Ambassador Deniau reported that the Quai D'Orsay Spokesman had already commented that any investigation of the use of DU in Gaza was outside the Agency's mandate. France did not object to studying radiological effects of DU, but noted that the latest UNEP study in Lebanon in 2007 had reached the same conclusion on the negligible health impact as three previous ones in the Balkans and Kuwait cited by Ambassador Schulte. Canada added that DU was not a banned munition. However, given the public sensitivity of this issue and NGO perceptions, Germany advised keeping the issue low key. Ambassador Schulte agreed, so long as the Arab Group "stayed with in the lanes" of the IAEA's mandate.

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Text of IAEA Letter to Israel  
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¶6. (C) Begin Text:

Sir,

I have the honour to inform you that, on 21 January 2009, the Director General received a communication from the Permanent Observer of Palestine to the Agency in which he requested the Director General to investigate reports of the use of depleted uranium in Gaza.

The Director General had previously received on, 19 January 2009, a letter from the Resident Representative of the Kingdom of Saudi Arabia in Vienna on behalf of the Council of Ambassadors of Arab States Members of the Agency expressing concern over the information available from various medical and media sources on the possibility that depleted uranium was used by Israel in Gaza and requesting the Director General to undertake a physical and radiation evaluation.

In this connection, your Government is invited to submit any comments and/or information it may wish to share in relation to the alleged use of depleted uranium.

Accept, Sir, the assurances of my highest consideration.

Vilmos Cserveny  
Director, Office of External Relations and Policy Coordination

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Text of Israeli Response to IAEA Letter  
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¶7. (S) Following points were delivered orally to IAEA Israeli Amb. Michaeli:

NOTE VERBAL (3 February 2009)

In response to your letter of 23 January 2009 and your invitation for Israel to submit any comments and/or information, the Government of Israel wishes to state the

following:

- The state of Israel has operated and is operating within the realm of the international law and the international conventions by which it is obliged. This also covers the recent war in the Gaza area.

- The GOI is confident that the IAEA Secretariat intends to work solely within the mandate of the Agency, and points out that the Palestinian request as delivered by the Secretariat to Israel is not in line with that mandate.

- The GOI believes that the Arab states are aware of the empty nature of their complaints and requests, as there are no legal constraints on the use of depleted uranium and as several professional international organizations, including the IAEA, practically negate any between the use of that material and significant health or environmental impacts.

- The GOI therefore believes that the Arab/Palestinian letters undermine the professional nature of the IAEA, as they are aimed at raising the Arab general view on the Gaza war in the frame of the Agency, and at involving the Secretariat in a political dispute over this war.

SCHULTE